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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,815	11/25/2003	Naoaki Kanada	JP920020203US1	6233
48583	7590	02/03/2006	EXAMINER	
BRACEWELL & PATTERSON, LLP PO BOX 61389 HOUSTON, TX 77208-1389			EVANS, JEFFERSON A	
			ART UNIT	PAPER NUMBER
			2652	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/721,815

Applicant(s)

KANADA ET AL.

Examiner

Jefferson A. Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 is/are allowed.
- 6) ☒ Claim(s) 1-5, 9, 11, 12, and 14 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claims 1-6, 9, and 11-14 are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Khanna et al (U.S. 5,870,256). Khanna discloses a disk drive rotary actuator inertia latch mechanism (26a or 26b) where the latches are shaped and biased away from the actuator by springs 38 such that it is only when the actuator is parked so the heads are on a head ramp (column 6 – line 42) and a shock occurs that one or both latches engage the head actuator. Catches 36a,36b can be considered levers. The latch mechanisms include arms as shown in figure 2. As per Claim 2, the prior art description at column 1 – line 7 to column 2 – line 20 will meet the limitation that the latching mechanism include only one inertial latching mechanism.

3. Claims 1-3, 5, 9, 11, 12, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kimura et al (U.S. 6,507,461). Kimura discloses a moving member 6

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having one end supporting a head slider 10 for movement over a disk 2 and a second end with a pair of arms 8a,8b for supporting a voice coil 13 and one of the arms having a shape portion 8c which can only be engaged by an inertial latch mechanism 16 when the moving member is at an unloaded position and a shock is applied. Kimura discloses only one inertial latching mechanism. Latch 16 takes the form of an arm.

4. Claims 1, 2, 4, 5, 9, 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Hong et al (U.S. 6,728,075). Hong discloses a moving member 340 having one end supporting a head slider 343 for movement over a disk 320 and a second end with a shaped portion 348 which can only be engaged by a latch mechanism 380 when the moving member is at an unloaded position and a shock is applied. Only one inertial latching mechanism is disclosed. The shape member 348 as shown in figures 3 and 4 can be considered narrow and elongate and the space between portions 348a and 348b can read on the claimed recess. The latch takes the form of an arm.

Allowable Subject Matter

5. Claim 6 is allowed. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Response to Arguments filed 11-15-2005

A...On pages 6 and 7 applicant contends that claim 1 defines over Khanna in that claim 1 establishes that the latching mechanism is unable to latch the moving member when the head is located at the read/write position, while Figure 1 of Khanna

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reveals that when head 20 is initially positioned over the disk 14, tab 36a rotates adjacent to latch 32b and could be caused by an external shock to engage the latch and thus the claim language in question would not be met.

In response, it is noted that figures 1 and 2 involve when the head is out of the read/write position as opposed to being in the read/write position and thus if the latch were to engage the tab of the moving member it would not be when the head is in the read/write position and thus Khanna remains able to read on claim 1. The initial position of the head is stated as being "near the outer diameter" of the disk and can be when the actuator is parked on a ramp, and even if the head was resting on a landing zone of the disk, this would not represent the head being at the read/write position. The head is at the read/write position when it is in position over the data zone of the disk and transducing operations can actually occur.

B...On page 7 applicant contends that the claim language of claim 2 defines over Khanna in that it sets forth a limit of only one inertial latching mechanism whereas Khanna uses two or more latch mechanisms.

In response, it is noted that the prior art description of Khanna at column 1 – line 7 to column 2 – line 20 will meet the limitation that the latching mechanism include only one inertial latching mechanism.

C... On page 7 applicant contends that the claim language of claim 3 defines over Khanna in that it sets forth a pair of coil holding arms with a voice coil mounted therebetween, with the shape portion extending from only one of the pair of coil holding arms.

In response, it is noted that Kimura et al has been applied against claim 3 and discloses the claimed feature in question.

D... On page 7 applicant contends that the claim language of claim 4 defines over Khanna in that it sets forth that the shaped portion is narrow and elongate and has a recess formed therein.

In response, it is noted that Hong et al has been applied against claim 3 and discloses the claimed feature in question.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferson A. Evans whose telephone number is 571-272-7574. The examiner can normally be reached on Monday to Friday, 9:00am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. L. Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Jefferson Evans", with a stylized flourish at the end.

JAE

January 29, 2006

Jefferson A. Evans
Primary Examiner
Art Unit 2652

**JEFFERSON EVANS
PRIMARY EXAMINER**